

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE:
UNYONG KIM
LEEA KANG

Debtors) CASE NO: 21-43988-659
) Chapter 13
) Trustee's Objection to Confirmation
) Original Confirmation Hearing set for:
) December 16, 2021 11:00 am

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

COMES NOW Diana S. Daugherty, Standing Chapter 13 Trustee, and for her objection to confirmation states as follows:

1. The plan is ambiguous or incapable of ascertainment (11 U.S.C. §§ 1321 & 1325(a)(3)) because:
Paragraph 3.5D fails to provide the numerical rate of interest to be paid to Chrysler Capital.
2. The business income and expense statement understates rent costs and does not include insurance costs. With correct expenses, it does not appear the business has sufficient income to pay Debtors the full salary listed on Schedule I.
3. **STATEMENT OF INVESTIGATION:** Debtors are 100% owners of Leeae K Foods Inc which operates a restaurant. Debtors are the only employees of the business, but do incur trade credit such that the Chapter 13 plan should provide for reporting at least annually to satisfy 11 U.S.C. section 1304. The business operates from a rented premises and maintains liability insurance. Although the business operated at a loss in 2020 during the pandemic, the business is currently breaking even while paying both Debtors a salary. Continued operation of the business does not appear to be a detriment to the bankruptcy estate.

WHEREFORE the Trustee prays the Court enter its order denying confirmation of the proposed plan.

Dated: December 02, 2021

OBJCONFAF--DSD

/s/ Diana S. Daugherty

Diana S. Daugherty
Standing Chapter 13 Trustee
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on December 02, 2021, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

I certify that a true and correct copy of the foregoing document was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to those parties listed on the Court's Manual Notice List and listed below on December 02, 2021.

UNYONG KIM
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CHESTERFIELD, MO 63017

/s/ Diana S. Daugherty
Diana S. Daugherty